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21  
22 IN THE UNITED STATES DISTRICT COURT  
23 FOR THE CENTRAL DISTRICT OF CALIFORNIA

24  
25 **MATTHEW SCOTT, an Individual  
26 by and through his Guardian Ad  
27 Litem, MARY RODGERS-VEY, et  
28 al.,**

Plaintiffs,

29  
30 v.  
31  
32 **CALIFORNIA FORENSIC  
33 MEDICAL GROUP et al.,**

34 Defendants.

35  
36 2:16-cv-03084-DSF-RAO  
37  
38 **STATUS CONFERENCE  
39 REGARDING PENDING  
40 TENTATIVE SETTLEMENT**

41  
42 Courtroom: 7D  
43 Judge: Hon. Dale S. Fischer  
44 Trial Date: November 17, 2020  
45 Action Filed: May 4, 2016

1 TO THE HONORABLE COURT, ALL PARTIES, AND TO THEIR  
2 ATTORNEYS OF RECORD:

3 In accordance with the Court's July 20, 2020 minute order, the parties hereby  
4 submit their joint status report regarding the status of settlement. On September 17,  
5 2019 and November 18, 2019, the parties mediated the case before the Honorable  
6 Irma Gonzalez (retired), JAMS mediator, in San Diego, California. The parties  
7 tentatively settled the entire case, including any attorneys' fees claim, at the  
8 conclusion of the two mediation sessions. On January 27, 2020, the parties filed a  
9 notice of tentative settlement and stipulated to vacate all the scheduling order and  
10 all related dates.

11 Since February 2020, the parties have been working to negotiate the final  
12 language of the settlement agreement and related documents. Although their  
13 progress was delayed in March by the COVID-19 public health crisis, they have  
14 now completed these negotiations and have finalized a draft settlement agreement  
15 that has been approved by counsel for all parties. Before the agreement could be  
16 signed, the Department of State Hospitals was required to obtain approval through  
17 the State of California's internal approval process and from the individually named  
18 State Defendants. Counsel for Department of State Hospitals and the individually  
19 named State Defendants received final authority to sign the settlement agreement  
20 on their behalf on August 6, 2020. The other defendants are prepared to sign as  
21 well once there is final Department of State Hospitals approval.

22 Plaintiffs have prepared draft pleadings for class certification, preliminary  
23 approval of the settlement (which addresses attorney's fees in the context of  
24 preliminary approval, but there will be a separate motion for attorney's fees filed  
25 after notice to the class). Counsel for Defendants have reviewed these motions,  
26 provided feedback, and approved of the language. The motions will be filed as soon  
27 as the settlement agreement is approved and signed. Plaintiffs have sought and  
28 compared bids for a claims administrator, and are prepared to select a claims

1 administrator once the settlement is finalized.

2           Department of State Hospitals has also been working to collect personal  
3 identifying and contact information for class members so that notice may be issued  
4 as promptly as possible after any decision on preliminary approval. Department of  
5 State Hospitals anticipates that the class data will be ready to disclose not later than  
6 September 1, 2020. Having solicited bids from potential class administrators,  
7 Plaintiffs are finalizing their recommendation on the choice of the class  
8 administrator and entering into a preliminary agreement with the class  
9 administrator.

10          The parties further agree to file the motion for preliminary approval or  
11 further notify the Court of the status of this matter no later than September 10,  
12 2020.

13 Dated: August 10, 2020                   KAYE, McLANE, BEDNARSKI & LITT, LLP  
14   By /s/ Barrett S. Litt  
15   Barrett S. Litt  
   Attorney for Plaintiffs

16 Dated: August 10, 2020                   BERTLING LAW GROUP  
17   By /s/ Jemma Parker Saunders  
18   Jemma Parker Saunders  
   Attorneys for Defendants  
19   CFMG, Taylor Fithian, M.D., Paul Adler, M.D.,  
   Ronald Pollack, M.D.

20 Dated: August 10, 2020                   SELTZER CAPLAN MCMAHON VITEK  
21   By /s/ Neal Panish  
22   Neal P. Panish  
   Attorneys for Defendants  
23   MHM Services of California, Inc.; Marcus Lopez

24 Dated: August 10, 2020                   ATTORNEY GENERAL OF CALIFORNIA  
25   By /s/ Jonathan E. Rich  
26   Jonathan E. Rich  
   Deputy Attorney General  
27   Attorneys for Defendants Pam Ahlin, Director of  
   the California Department of State Hospitals; and  
   Harry Oreol, Director of Patton State Hospital